

**PHARMACY BOARD[657]**

**Adopted and Filed**

**Rule making related to dispensing of prescription refills**

The Board of Pharmacy hereby amends Chapter 8, “Universal Practice Standards,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 155A.27.

*Purpose and Summary*

The amendment provides clarification for pharmacists in dispensing remaining refills of prescriptions after the prescriber has ended a relationship with a patient, such as with discontinuation of practice or relocation to another state, so that a pharmacist is authorized to provide adequate and appropriate care to a patient while the patient is seeking the care of a new provider.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 11, 2017, as **ARC 3371C**. The Board received one written comment from the Iowa Osteopathic Medical Association (IOMA) regarding the proposed amendment. The Board considered the suggestions from IOMA, which requested the addition of language at the end of the amendment that would hamper the ability of the pharmacist to exercise professional discretion, in the best interests of the patient, in continuing to dispense prescription drugs when authorized by the prescriber before the prescriber becomes unavailable to the patient. IOMA’s proposal would limit continued dispensings to the duration of the remaining refills authorized by the prescriber or 90 days of therapy, whichever is less. The intent of the Board’s rule making is to ensure that, while the patient engages a new provider, the patient’s health and well-being are not jeopardized because of the denial of needed drug therapy that was authorized by the patient’s most recent health care provider. The dispensing pharmacist knows the current status of health care provider availability in the area and knows the patient and the patient’s drug therapy. The pharmacist is in a good position to use the pharmacist’s professional judgment to determine, for each individual patient, the need to continue an authorized drug therapy while the patient schedules with a new provider. IOMA further requested that language be added to require the pharmacist to inform the patient that no additional fills can be dispensed and to advise the patient to seek care from another provider. Pharmacists currently counsel patients regarding the need to seek another provider in such a situation. The Board believes that the prescriber should be providing this advice to the patient before the prescriber retires or otherwise becomes unavailable to treat the patient. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on January 17, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on March 21, 2018.

The following rule-making action is adopted:

Amend rule 657—8.20(155A) as follows:

**657—8.20(155A) Valid prescriber/patient relationship.** Prescription drug orders and medication orders shall be valid as long as a prescriber/patient relationship exists. Once the prescriber/patient relationship is broken and the prescriber is no longer available to treat the patient or oversee the patient's use of a prescription drug, ~~the order loses its validity and the pharmacist, on becoming aware of the situation, shall cancel the order and any remaining prescription refills. The pharmacist shall, however, exercise prudent judgment based upon individual circumstances to ensure that the patient is able to obtain a sufficient amount of the prescribed drug to continue treatment until the patient can reasonably obtain the service of another prescriber~~ may be dispensed at the discretion of the pharmacist for a suitable amount of time so that the patient can establish care with a new provider and a new order can be issued. In determining the duration of which prescriptions may be dispensed, the pharmacist shall consider the patient's health care status and access to health care services.

[Filed 1/24/18, effective 3/21/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/14/18.